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(261)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE CHANDRASHEKHARAIAH

WRIT PETITION NO.15974/1998

BETWEEN:

M/s.Balaji Enterprises,  
No.1, II Cross, Mysore  
Road, Kuvempunagar,  
Bangalore, rep. by its  
Managing Partner -  
T.Giriyappa.

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... Petitioner.

(By Sri T.Indushekar for Petr.)

AND:

1. The Bangalore City Corprn.,  
Hudson Circle, Bangalore,  
rep. by its Commissioner.
2. The Asst. Executive Engineer,  
Bangalore Mahanagar Palika,  
J.J.Nagar Range, Mysore Road,  
Bangalore - 26.

... Respondents.

This Writ Petition filed under Articles 226 &  
227 of the Constitution of India with an affidavit

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praying to: Direct the respondents to pass the confirmation order as per Section 321(3) of the Karnataka Municipal Corporation Act in furtherance to Annex.E and F or else to drop the proceedings and etc.

This Writ Petition coming on for preliminary hearing this day, the Court made the following:

O R D E R

Sri K.N.Putte Gowda, learned Counsel for the Corporation is directed to take notice for the Corporation. Accordingly, he appeared for the Corporation.

The petitioner in this petition has challenged the provisional order u/s.321(1)(2) of the KMC Act, apprehending that the Corporation is taking steps to demolish the building. Under the scheme of the Act, the Corporation has no authority to demolish the building without passing a final order. Then such being the case, there is no reason for the petitioner to apprehend any such demolition without passing any final order as required under Sec.321(3) of the Act.

In the said view of the matter, there is no reason to issue any such direction in this petition.

Accordingly this petition is disposed of.

Sd/- Judge .

bsr(o.s.)

r.by: *23/2/98*

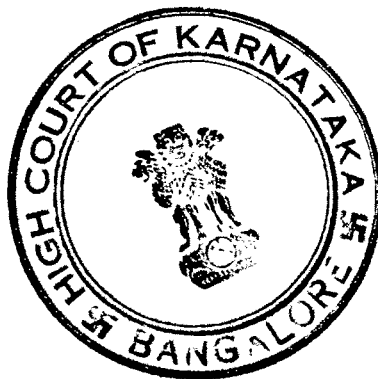
c.by: *L.*

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Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

*14-898*



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